(37)

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE JUSTICE SHRI SATISH K. AGNIHOTRI

WRIT PETITION (C) 1550 of 2007

PETITIONER Applicant (In Family Court)	:	Kamal Narayan, son of Bihari Lal Dewangan, aged about 33 years, resident of Gandhi Chowk, Deopuri, Police Station-Tikrapara, Raipur, District-Raipur (C.G.)
		VERSUS
RESPONDENT Non-applicant (In Family Court)	:	Smt. Rajkumari Dewangan, Wife of Kamal Narayan, aged about 29 years, resident of near to Naya Talab and Plastic Factory, Sanjay Nagar, Tikrapara, Raipur, District-Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA.

Present: Shri M.K.Bhaduri, Advocate for the petitioner.
Shri Awadh Tripathi, Advocate for the respondent.

ORDER
(Passed on 20th day of April, 2007)

1. This petition is against the order passed by the 1st Additional Principal Judge, Family Court, Raipur awarding Rs. 1200/- per month as interim maintenance in an application filed by the respondent under section 24 of the Hindu Marriage Act. Admittedly, the total earning of the petitioner is Rs. 1500/- per month. It is admitted position that three daughters alongwith wife are living

together and the husband is living alone. If the total income is divided by five, grant of Rs. 1200/- as interim maintenance to the wife and three daughters is just and proper. It cannot be said that the amount ordered for payment of maintenance is excessive.

2. It is well settled principle of law that under Article 227 of the Constitution of India, this Court has jurisdiction of judicial review of the order passed by the Court below, in the event, there is manifest and apparent error on the face of the proceedings based on the clear ignorance or utter disregard to the provisions of law or there is grave failure of justice or grave injustice has occasioned thereby. Further, this Court can also entertain the petition in its supervisory jurisdiction if there is perversity, irregularity or illegality in the process of decision, not in the decision itself.

3. Applying the above settled principles of law to the facts of the present case, it does not warrant an interference with the impugned order passed by the Court below.

4. Thus, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit